

EXHIBIT E

ORIGINAL

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MASSACHUSETTS

04-10643MLW

JUDITH THIBEAU and GEORGE THIBEAU, *
Plaintiff, *
*
V *
*
UNITED STATES OF AMERICA and EAST *
BOSTON NEIGHBORHOOD HEALTH CENTER *
CORPORATION, *
Defendants. *

Deposition of UNITED STATES OF AMERICA By
JOHN J. PIETRANTONIO, OD, taken on behalf of
the Plaintiffs, pursuant to Notice under the
Federal Rules of Civil Procedure 30(b)(6),
before Janice A. Maggioli, RPR, RMR, CRR, and
Notary Public in and for the Commonwealth of
Massachusetts, at the offices of Koufman &
Frederick, LLP, 1330 Beacon Street, Brookline,
Massachusetts, on March 23, 2005, commencing at
10:00 a.m.

1 Hospital, I think.

2 Q. And did that case go to trial as far as you
3 know?

4 A. I never heard anything after that.

5 Q. Have you ever testified in court before?

6 A. No.

7 Q. Have you, yourself, ever been sued?

8 A. No.

9 Q. Have you ever brought suit?

10 A. No.

11 Q. Have you ever been contacted by an insurance
12 company relative to any claim or claims brought
13 against the health center?

14 A. No, I don't believe so.

15 Q. Now, you said a moment ago that you're an
16 optometrist?

17 A. Uh-huh.

18 Q. What is your position -- your formal position
19 at the East Boston Neighborhood Health Center?

20 A. I guess I'm called director of the eye clinic
21 or the vision center. Some people call it the
22 vision center. Some people call it the eye
23 clinic.

24 Q. How long have you been the director there?

1 A. Okay.

2 Q. With regard to that telephone conversation --
3 was it a telephone conversation?

4 A. Yes.

5 Q. And approximately when was that again?

6 A. It was sometime in that period of time that he
7 was there. You all may have that information
8 better than I because if you got a statement
9 from him, it was probably around the time after
10 you probably requested that.

11 Q. Let me ask you this: What is your best memory
12 of say how long that conversation took?

13 A. Just minutes, a couple of minutes.

14 Q. And what do you recall you saying to him and
15 him saying to you during that conversation?

16 A. I wanted to tell him that he was going to be
17 asked I believe by Dr. Taylor, who was doing
18 the asking, to -- he was going to get a form,
19 and he was going to ask about his -- what he
20 did during this examination, and --

21 MR. ALBERTO: Just for the
22 record, the document that you actually did fill
23 out for the counselor at the time, Health
24 Education -- I mean the Health -- Human Health

1 and --

2 MR. FREDERICK: Health and Human
3 Services.

4 MR. ALBERTO: It's dated, and
5 maybe this will help you with the date, it
6 says, "Received August 21, 2003."

7 A. Yes, after.

8 MR. FREDERICK: And, Chris, you
9 are referring to the document filled out by
10 John --

11 MR. ALBERTO: By Dr.
12 Pietrantonio. I don't see a form filled out by
13 the student in here.

14 A. Well, I think we were asked to do this all
15 about the same time, and so if you want my best
16 guess, that I probably talked to him in July or
17 August of 2003.

18 Q. Well, let me ask you this: During your
19 conversation with him, did he say anything
20 about what had gone on during his examination
21 of Mrs. Thibeau?

22 A. I don't recall the exact conversation. The
23 conversation was intended to explain what he
24 was being asked to do because he's a new grad.

1 MR. ALBERTO: You can certainly
2 inquire into what the conversation was and the
3 content of that conversation. That's no
4 problem.

5 A. You know, there is a lot of anxiety when we get
6 stuff like this.

7 Q. Sure.

8 A. And I wanted to explain what was going to
9 happen to him. If I had to make a comment, I
10 think he was pretty quiet on the other end of
11 the phone.

12 Q. Okay.

13 A. And I just asked him to fill out to the best of
14 what he typically says to a patient during the
15 course of an examination.

16 Q. To fill out in a form he was to get?

17 A. The form that he was to get, which was the
18 exact form that was just shown to me.

19 MR. ALBERTO: You don't know if
20 he -- I'm sorry, you don't know if he filled
21 out a form; is that correct?

22 THE WITNESS: I guess maybe I'm
23 assuming he filled out the forms because we had
24 the conversation that he was going to get it.

1 Q. You never saw a form that he filled out,
2 correct?

3 A. I guess not.

4 Q. What is your best memory?

5 A. I guess probably not.

6 Q. Is that your best memory?

7 A. My best memory.

8 Q. And do you know one way or the other whether
9 Mr. Price or Dr. Price had a conversation with
10 Dr. Taylor after you spoke with him?

11 A. I don't know that.

12 Q. Now, do you know where Dr. Price was originally
13 from?

14 A. No.

15 Q. Do you know where he lives today?

16 A. The last address I have is a New York
17 address -- New York State address.

18 Q. Mechanicville, New York?

19 A. I think that's the one I gave Dr. Taylor.

20 Q. Where did you get it from?

21 A. Actually, I got it from one of the other
22 optometrists at the health center.

23 Q. Which optometrist was that?

24 A. Dr. Capone.